

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. JUDY WOOD on behalf of the
UNITED STATES OF AMERICA,

Plaintiff / Realtor,

vs.

APPLIED RESEARCH ASSOCIATES, INC.;
SCIENCE APPLICATIONS INTERNATIONAL
CORP.; BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ABBASI, EDUARDO KAUSEL;
DAVID PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK, KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN CONSULTING
ENGINEERS, P.C.; SIMPSON GUMPERTZ &
HEGER, INC.; S.K. GHOSH ASSOCIATES,
INC.; SKIDMORE, OWINGS & MERRILL,
LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WISS, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

Defendants.

X

Civil Action
No. 07 CV 3314 (GBD)

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT
PURSUANT TO FED R.
Civ. P. 12(b)(1), (6)**

X

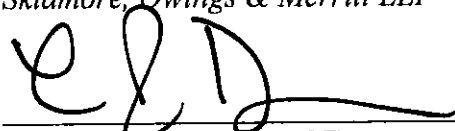
PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, dated January 20, 2008, the declaration of Louis J. Dennis, dated January 21, 2008, and the exhibits attached hereto, Defendant Skidmore, Owings & Merrill LLP will move before the Honorable George B. Daniels, United States District Judge at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, to dismiss the First Amended Qui Tam Complaint of Relator Judy

Wood, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, together with attorneys' fees and expenses pursuant to 31 U.S.C. § 3730(d)(4), and for such other and further relief as this Court deems just.

Dated: New York, New York
January 21, 2008

Respectfully submitted,

ZETLIN & DE CHIARA, LLP
Attorneys for Defendant
Skidmore, Owings & Merrill LLP

A handwritten signature in black ink, appearing to read 'LD', with a long horizontal flourish extending to the right.

Louis J. Dennis (LD 5727)
801 Second Avenue
New York, New York 10017
(212) 682-6800
ldennis@zdlaw.com

**UNITED STATES DISTRICT COURT
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Civil Action
No. 07 CV 3314 (GBD)

Plaintiff / Realtor,

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Defendants.
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**DECLARATION OF LOUIS
J. DENNIS IN SUPPORT OF
MOTION TO DISMISS**

Louis J. Dennis, an attorney licensed to practice in and before the Courts of the
State of California and admitted *pro hac vice* in the Southern District of New York, declares the
following pursuant to 28 U.S.C. § 1746:

1. I am a partner with the law firm of Zetlin & De Chiara, LLP, attorneys for Defendant Skidmore, Owings & Merrill LLP ("SOM"). I am fully familiar with the facts stated herein.

2. I respectfully submit this Declaration in support of SOM's motion, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and 31 U.S.C. § 3730(d)(4), which seeks dismissal of the First Amended Qui Tam Complaint of Relator Judy Wood on the grounds that: (i) this Court lacks subject matter jurisdiction over Relator's claims under the False Claims Act because those claims rely on information in the public domain, and Wood cannot satisfy the original source requirement of 31 U.S.C. § 3730(e)(4)(B); and (ii) the complaint fails to meet the heightened pleading requirements for allegations of fraud as set forth in FED. R. CIV. P. 9(b). The motion further seeks reasonable attorneys' fees and expenses on the ground that Relator's complaint is frivolous, and seeks such further relief as this Court deems just.

3. Attached as Exhibit "A" is a true and exact copy of Relator's First Amended Qui Tam Complaint and Jury Demand, dated December 26, 2007.

4. Attached as Exhibit "B" is a true and exact copy of the National Institute of Standards and Technology's Report known as NCSTAR 1.

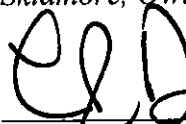
5. For the reasons set forth in the Memorandum of Law, and based upon the exhibits attached hereto, SOM respectfully requests that this Court (i) dismiss the First Amended Qui Tam Complaint as against SOM; (ii) grant attorneys' fees and expenses to SOM; and (iii) grant such other relief as this Court deems just.

6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: New York, New York
January 21, 2008

Respectfully submitted,

ZETLIN & DE CHIARA, LLP
Attorneys for Defendant
Skidmore, Owings & Merrill LLP

A handwritten signature in black ink, appearing to be 'LD', written over a horizontal line.

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